

FIRST REGULAR SESSION

SENATE BILL NO. 298

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCOTT.

Read 1st time February 3, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

1310S.01I

AN ACT

To repeal sections 327.031, 327.411, and 327.351, RSMo, and to enact in lieu thereof three new sections relating to professions regulated by the board for architects, professional engineers, professional land surveyors and landscape architects.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 327.031, 327.411, and 327.351, RSMo, are repealed
2 and three new sections enacted in lieu thereof, to be known as sections 327.031,
3 327.411, and 327.351, to read as follows:

327.031. 1. The "Missouri Board for Architects, Professional Engineers,
2 Professional Land Surveyors and Landscape Architects" is hereby established and
3 shall consist of fourteen members: a chairperson, who may be either an architect,
4 a professional engineer [or], a professional land surveyor, **or a landscape**
5 **architect**; three architects, who shall constitute the architectural division of the
6 board; three professional engineers, who shall constitute its professional
7 engineering division; three professional land surveyors, who shall constitute its
8 professional land surveying division; three landscape architects, who shall
9 constitute its landscape [architecture] **architectural** division; and a voting
10 public member.

11 2. After receiving his or her commission and before entering upon the
12 discharge of his or her official duties, each member of the board shall take,
13 subscribe to and file in the office of the secretary of state the official oath
14 required by the constitution.

15 3. The chairperson shall be the administrative and executive officer of the
16 board, and it shall be his or her duty to supervise and expedite the work of the
17 board and its divisions, and, at his or her election, when a tie exists between the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

18 divisions of the board, to break the tie by recording his or her vote for or against
19 the action upon which the divisions are in disagreement. Each member of the
20 architectural division shall have one vote when voting on an action pending
21 before the board; each member of the professional engineering division shall have
22 one vote when voting on an action pending before the board; [the chairperson of
23 the landscape architecture division or the chairperson's designee] **each member**
24 **of the professional land surveying division shall have one vote when**
25 **voting on an action pending before the board and each member of the**
26 **landscape architectural division** shall have one vote when voting on an
27 action pending before the board[; and each member of the professional land
28 surveying division shall have one vote when voting on an action pending before
29 the board]. Every motion or proposed action upon which the divisions of the
30 board are tied shall be deemed lost, and the chairperson shall so declare, unless
31 the chairperson shall elect to break the tie as provided in this section. [Seven]
32 **Eight** voting members of the board [and two members] **including at least one**
33 of each division shall constitute a quorum, respectively, for the transaction of
34 **board** business.

35 4. Each division of the board shall, at its first meeting in each
36 even-numbered year, elect one of its members as division chairperson for a term
37 of two years. **Two voting members of each division of the board shall**
38 **constitute a quorum for the transaction of division business.** The
39 chairpersons of the architectural division, professional engineering division [and
40 the], professional land surveying division **and landscape architectural**
41 **division** so elected shall be vice chairpersons of the board, and when the
42 chairperson of the board is an architect, the chairperson of the architectural
43 division shall be the ranking vice chairperson, and when the chairperson of the
44 board is a professional engineer, the chairperson of the professional engineering
45 division shall be the ranking vice chairperson, [and] when the chairperson of the
46 board is a professional land surveyor, the chairperson of the professional land
47 surveying division shall be the ranking vice chairperson, **and when the**
48 **chairperson of the board is a landscape architect, the chairperson of**
49 **the landscape architectural division shall be the ranking vice**
50 **chairperson.** The chairperson of each division shall be the administrative and
51 executive officer of his or her division, and it shall be his or her duty to supervise
52 and expedite the work of the division, and, in case of a tie vote on any matter, the
53 chairperson shall, at his or her election, break the tie by his or her vote. Every

54 motion or question pending before the division upon which a tie exists shall be
55 deemed lost, and so declared by the chairperson of the division, unless the
56 chairperson shall elect to break such tie by his or her vote.

57 5. Any person appointed to the board, except a public member, shall be
58 a currently licensed architect, licensed professional engineer, licensed
59 professional land surveyor or registered or licensed landscape architect in
60 Missouri, as the vacancy on the board may require, who has been a resident of
61 Missouri for at least five years, who has been engaged in active practice as an
62 architect, professional engineer, professional land surveyor or landscape architect,
63 as the case may be, for at least ten consecutive years immediately preceding such
64 person's appointment and who is and has been a citizen of the United States for
65 at least five years immediately preceding such person's appointment. Active
66 service as a faculty member while holding the rank of assistant professor or
67 higher in an accredited school of engineering shall be regarded as active practice
68 of engineering, for the purposes of this chapter. Active service as a faculty
69 member, after meeting the qualifications required by section 327.314, while
70 holding the rank of assistant professor or higher in an accredited school of
71 engineering and teaching land surveying courses shall be regarded [an] as active
72 practice of land surveying for the purposes of this chapter. **Active service as**
73 **a faculty member while holding the rank of assistant professor or**
74 **higher in an accredited school of landscape architecture shall be**
75 **regarded as active practice of landscape architecture, for the purposes**
76 **of this chapter.** Active service as a faculty member while holding the rank of
77 assistant professor or higher in an accredited school of architecture shall be
78 regarded as active practice of architecture for the purposes of this chapter;
79 provided, however, that no faculty member of an accredited school of architecture
80 shall be eligible for appointment to the board unless such person has had at least
81 three years' experience in the active practice of architecture other than in
82 teaching. The public member shall be, at the time of appointment, a citizen of
83 the United States; a resident of this state for a period of one year and a
84 registered voter; a person who is not and never was a member of any profession
85 licensed or regulated pursuant to this chapter or the spouse of such person; and
86 a person who does not have and never has had a material, financial interest in
87 either the providing of the professional services regulated by this chapter, or an
88 activity or organization directly related to any profession licensed or regulated
89 pursuant to this chapter. All members, including public members, shall be

90 chosen from lists submitted by the director of the division of professional
91 registration. The duties of the public member shall not include the determination
92 of the technical requirements to be met for licensure or whether any person meets
93 such technical requirements or of the technical competence or technical judgment
94 of a licensee or a candidate for licensure.

95 6. The governor shall appoint the chairperson and the other members of
96 the board when a vacancy occurs either by the expiration of a term or otherwise,
97 and each board member shall serve until such member's successor is appointed
98 and has qualified. **Starting August 28, 2009**, the position of chairperson shall
99 [alternate among an architect, a professional engineer and a professional land
100 surveyor] **rotate sequentially with an architect, then professional**
101 **engineer, then professional land surveyor, then landscape architect and**
102 **shall be a licensee who has previously served as a member of the**
103 **board. The appointment of the chairperson shall be for a term of four**
104 **years which shall be deemed to have begun on the date of his or her**
105 **appointment and shall end upon the appointment of the chairperson's**
106 **successor. The chairperson shall not serve more than one term. All**
107 **other** appointments, except to fill an unexpired term, shall be for terms of four
108 years; but no person shall serve on the board for more than two consecutive
109 four-year terms, and each four-year term shall be deemed to have begun on the
110 date of the expiration of the term of the board member who is being replaced or
111 reappointed, as the case may be. Any appointment to the board which is made
112 when the senate is not in session shall be submitted to the senate for its advice
113 and consent at its next session following the date of the appointment.

114 7. In the event that a vacancy is to occur on the board because of the
115 expiration of a term, then ninety days prior to the expiration, or as soon as
116 feasible after a vacancy otherwise occurs, the president of the American Institute
117 of Architects/Missouri if the vacancy to be filled requires the appointment of an
118 architect, [the president of the Missouri Association of Landscape Architects if
119 the vacancy to be filled requires the appointment of a landscape architect,] the
120 president of the Missouri Society of Professional Engineers if the vacancy to be
121 filled requires the appointment of an engineer, [and] the president of the
122 Missouri Society of Professional Surveyors if the vacancy to be filled requires the
123 appointment of a land surveyor, **and the president of the Missouri**
124 **Association of Landscape Architects if the vacancy to be filled requires**
125 **the appointment of a landscape architect**, shall submit to the director of the

126 division of professional registration a list of five architects or five professional
127 engineers, [five landscape architects] or five professional land surveyors, **or five**
128 **landscape architects** as the case may require, qualified and willing to fill the
129 vacancy in question, with the recommendation that the governor appoint one of
130 the five persons so listed; and with the list of names so submitted, the president
131 of the appropriate organization shall include in a letter of transmittal a
132 description of the method by which the names were chosen. This subsection shall
133 not apply to public member vacancies.

134 8. The board may sue and be sued as the Missouri board for architects,
135 professional engineers, professional land surveyors and landscape architects, and
136 its members need not be named as parties. Members of the board shall not be
137 personally liable either jointly or severally for any act or acts committed in the
138 performance of their official duties as board members, nor shall any board
139 member be personally liable for any court costs which accrue in any action by or
140 against the board.

141 9. Upon appointment by the governor and confirmation by the senate of
142 the landscape [architecture] **architectural** division, the landscape architectural
143 council is hereby abolished and all of its powers, duties and responsibilities are
144 transferred to and imposed upon the Missouri board for architects, professional
145 engineers, professional land surveyors and landscape architects established
146 pursuant to this section. Every act performed by or under the authority of the
147 Missouri board for architects, professional engineers, professional land surveyors
148 and landscape architects shall be deemed to have the same force and effect as if
149 performed by the landscape architectural council pursuant to sections 327.600 to
150 327.635. All rules and regulations of the landscape architectural council shall
151 continue in effect and shall be deemed to be duly adopted rules and regulations
152 of the Missouri board [of] **for** architects, professional engineers, professional
153 [landscape architects] **land surveyors** and [land surveyors] **landscape**
154 **architects** until such rules and regulations are revised, amended or repealed by
155 the board as provided by law, such action to be taken by the board on or before
156 January 1, 2002.

157 10. Upon appointment by the governor and confirmation by the senate of
158 the landscape [architecture] **architectural** division, all moneys deposited in the
159 landscape architectural council fund created in section 327.625 shall be
160 transferred to the state board for architects, professional engineers, professional
161 land surveyors and landscape architects fund created in section 327.081. The

162 landscape architectural council fund shall be abolished upon the transfer of all
163 moneys in it to the state board [of] **for** architects, professional engineers,
164 **professional** land surveyors and landscape architects.

327.411. 1. Each architect and each professional engineer and each
2 professional land surveyor and each landscape architect shall have a personal
3 seal in a form prescribed by the board, and he or she shall affix the seal to all
4 final documents including, but not limited to, plans, specifications, estimates,
5 plats, reports, surveys, proposals and other documents or instruments prepared
6 by the licensee, or under such licensee's immediate personal supervision. **Such**
7 **licensee must either prepare or personally supervise the preparation**
8 **of all documents sealed by the licensee**, and such licensee shall be held
9 personally responsible for the contents of all such documents sealed by such
10 licensee, **whether prepared or drafted by another licensee or not.**

11 2. The personal seal of an architect or professional engineer or
12 professional land surveyor or landscape architect shall be the legal equivalent of
13 the licensee's signature whenever and wherever used, and the owner of the seal
14 shall be responsible for the architectural, engineering, surveying, or landscape
15 architectural documents, as the case may be, when the licensee places his or her
16 personal seal on such plans, specifications, estimates, plats, reports, surveys or
17 other documents or instruments for, or to be used in connection with, any
18 architectural or engineering project, survey, or landscape architectural
19 project. **Licensees shall undertake to perform architectural, professional**
20 **engineering, professional land surveying, and landscape architectural**
21 **services only when they are qualified by education, training, and**
22 **experience in the specific technical areas involved.**

23 3. **Notwithstanding any provisions of this section**, any architect,
24 professional engineer, professional land surveyor, or landscape architect may, but
25 is not required to, attach a statement over his or her signature, authenticated by
26 his or her personal seal, specifying the particular plans, specifications, plats,
27 reports, surveys or other documents or instruments, or portions thereof, intended
28 to be authenticated by the seal, and disclaiming any responsibility for all other
29 plans, specifications, estimates, reports, or other documents or instruments
30 relating to or intended to be used for any part or parts of the architectural or
31 engineering project or survey or landscape architectural project.

32 4. Nothing in this section, or any rule or regulation of the board shall
33 require any professional to seal preliminary or incomplete documents.

327.351. 1. The professional license issued to every professional land
2 surveyor in Missouri, including certificates of authority issued to corporations as
3 provided in section 327.401, shall be renewed on or before the license or
4 certificate renewal date provided that the required fee is paid. The license of any
5 professional land surveyor or the certificate of authority of any such corporation
6 which is not renewed within three months of the renewal date shall be suspended
7 automatically, subject to the right of the holder of such suspended license or
8 certificate to have it reinstated within nine months of the date of suspension, if
9 the reinstatement fee is paid. Any license or certificate of authority suspended
10 and not reinstated within nine months of the suspension date shall expire and be
11 void and the holder of such expired license or certificate shall have no rights or
12 privileges thereunder, but any person or corporation whose license or certificate
13 has expired may, within the discretion of the board and upon payment of the
14 required fee, be reregistered or relicensed under such person's or corporation's
15 original license number.

16 2. Each application for the renewal of a license or of a certificate of
17 authority shall be on a form furnished to the applicant and shall be accompanied
18 by the required fee; but no renewal fee need be paid by any professional land
19 surveyor over the age of seventy-five.

20 3. Beginning January 1, 1996, as a condition for renewal of a license
21 issued pursuant to section 327.314, a license holder shall be required to
22 successfully complete twenty units of professional development that meet the
23 standards established by the board regulations within the preceding two calendar
24 years. Any license holder who completes more than twenty units of professional
25 development within the preceding two calendar years may have the excess, not
26 to exceed ten units, applied to the requirement for the next two-year period.

27 4. The board shall not renew the license of any license holder who has
28 failed to complete the professional development requirements pursuant to
29 subsection 3 of this section, unless such license holder can show good cause why
30 he or she was unable to comply with such requirements. If the board determines
31 that good cause was shown, the board shall permit the license holder to make up
32 all outstanding required units of professional development.

33 5. A license holder may at any time prior to the termination of his or her
34 license request to be classified as inactive. Inactive licenses may be maintained
35 by payment of an annual fee determined by the board. Holders of inactive
36 licenses shall not be required to complete professional development as required

37 in subsection 3 of this section. Holders of inactive licenses shall not practice as
38 professional land surveyors **within this state, but may continue to use the**
39 **title "professional land surveyor" or the initials "PLS" after such**
40 **person's name.** If the board determines that good cause was shown, the board
41 shall permit the professional land surveyor to make up all outstanding required
42 units of professional development.

43 6. A holder of an inactive license may return such license to an active
44 license to practice professional land surveying by paying the required fee, and
45 either:

46 (1) Completing one-half of the two-year requirement for professional
47 development multiplied by the number of years of lapsed or inactive status. The
48 maximum requirement for professional development units shall be two and
49 one-half times the two-year requirement. The minimum requirement for
50 professional development units shall be no less than the two-year
51 requirement. Such requirement shall be satisfied within the two years prior to
52 the date of reinstatement; or

53 (2) Taking such examination as the board deems necessary to determine
54 such person's qualifications. Such examination shall cover areas designed to
55 demonstrate the applicant's proficiency in current methods of land surveying
56 practice.

57 7. Exemption to the required professional development units shall be
58 granted to registrants during periods of serving honorably on full-time active duty
59 in the military service.

60 8. At the time of application for license renewal, each licensee shall
61 report, on a form provided by the board, the professional development activities
62 undertaken during the preceding renewal period to satisfy the requirements
63 pursuant to subsection 3 of this section. The licensee shall maintain a file in
64 which records of activities are kept, including dates, subjects, duration of
65 program, and any other appropriate documentation, for a period of four years
66 after the program date.

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